IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 2612 OF 2006

Date of decision : September 26, 2006

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R.S Walecha and others .....Petitioners

Vs.

State of Haryana & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Vikram Mann, Advocate for the petitioner(s).
Mr. Ajay Gulati, Assistant Advocate General, Haryana.
Mr. Arun Walia, Advocate with Mr. Dinesh Nagar, Advocate for respondents no. 2 & 3.

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Viney Mittal, J. (Oral)

Learned counsel appearing for the respondents has produced before us the photographs showing that the petitioners are carrying commercial activities in the residential houses at Faridabad.

Aforesaid photographs are taken on record.

According to the learned counsel for the respondents, the aforesaid commercial activities of the petitioners were objected to by the authorities and it was on the basis thereof, that the proceedings for resumption of the properties of the petitioners were initiated. Learned counsel also informs the Court that the resumption orders have been challenged by the petitioners before the appellate authority and the

aforesaid appeals are still pending.

Keeping in view the fact that in similar matters this Court had issued restrain orders against the occupants of residential houses from carrying on the commercial activities in such houses and even a committee has been constituted to monitor the aforesaid unauthorized commercial activities in residential houses, we are satisfied that the interim orders dated February 23, 2006 issued in favour of the petitioners are liable to be vacated. Consequently, we vacate the aforesaid interim orders.

However, since the matter is pending in appeals before the appellate authority against the resumption orders, we dispose of the present petition with a liberty to the petitioners to prosecute the aforesaid appeals in accordance with law. If the appellate authority finds that in terms of the general directions issued by this Court, the commercial activities have been stopped by the petitioners and affidavits in this regard are filed by them before the Estate Officer, Faridabad as well as before the appellate authority, appropriate orders in the appeals filed by the petitioner shall be passed by the appellate authority.

Disposed of accordingly.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

September 26, 2006
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(H.S BHALLA)
JUDGE